


**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
050,083	06-19-79	Berntsson et al.	24,040

 Brumbaugh, Graves, Donohue & Raymond
30 Rockefeller Plaza
New York, N.Y. 10020

EXAMINER	
Alan L. Rotman	
ART UNIT	PAPER NUMBER
121	3

DATE MAILED:

MAILED

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

OCT 10 1979
☒ This application has been examined. ☐ Responsive to communication filed on _____ ☐ **GROUP 120** This action is made final.

 A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited, Form PTO-892. | 2. <input type="checkbox"/> Notice of Informal Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. | 4. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.
- Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-11 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on _____ are acceptable.
8. ☐ The drawing correction request filed on _____ has been ☐ approved. ☐ disapproved.
9. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
☒ been received. ☐ not been received. ☐ been filed in parent application, serial no. _____,
 filed on _____.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

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PART III

SERIAL
NUMBER

050,083

GROUP ART UNIT
121

NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1-11	35 U.S.C. 103	"A"	Claims 1-11 are rejected as being unpatentable over U.S. Patent No. 3,488,359 which discloses compounds which generically include the claimed compounds, specifically discloses analogues of 1,4-dihydropyridine-3,5-dicarboxylates, same utility and pharmaceutical preparations in column 3 which raises a presumption of obviousness.
2	1-11	35 U.S.C. 103	"B"	Claims 1-11 are rejected as being unpatentable over U.S. Patent 3,441,648 which discloses closely related 1,4-dihydro-2,6-dimethyl-4-substituted aryl-3,5-pyridinedicarboxylates, same utility and pharmaceutical preparations in column 8 which gives rise to a presumption of obviousness.
3	1-11	35 U.S.C. 102 & 103	"C"	Claims 1-11 are rejected as being fully met by U.S. Patent No. 3,799,936 which discloses a limited number of 1,4-dihydropyridines which clearly read on instant claims as well as same utility and pharmaceutical preparations in column 6. Closely related analogues in addition raise a presumption of obviousness under 35 U.S.C. 103.
4	5-7	35 U.S.C. 112 sec. par.		Method claims should recite mode of administration and effective amount of active compound.
	8-11	35 U.S.C. 112 sec. par.		Pharmaceutical composition claims lack propriety when composition alludes to one or more active compounds of a Markush group when support in spec. is for one only.
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* Capital letters representing references are identified on accompanying Form PTO-892.
The symbol "v" between letters represents - in view of -.
The symbol "+" or "&" between letters represents - and -.
A slash "/" between letters represents the alternative - or -.

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute (Title 35 of the United States Code) are reproduced on the back of this sheet.

EXAMINER

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